

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NICHOLAS L. ABBOTT, *et al.*

Application No.: 10/044,899

Filed: January 9, 2002

For: OPTICAL AMPLIFICATION OF  
MOLECULAR INTERACTIONS USING  
LIQUID CRYSTALS

Customer No.: 43850

Confirmation Number: 3817

Examiner: Lundgren, Jeffrey S.

Technology Center/Art Unit: 1639

Attorney Docket: 061818-5002-US04

**RESPONSE TO ADVISORY ACTION**

*Certificate of Transmission (37 C.F.R. § 1.8)*

*I hereby certify that this correspondence is being transmitted to  
the U.S. Patent and Trademark Office via the Office electronic  
filing system in accordance with § 1.6(a)(4) on April 2, 2009*

*Jennifer C. Black*

Jennifer C. Black

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In the Advisory Action dated January 29, 2009, the Examiner states that the declaration submitted on January 12, 2009 to overcome the 35 USC § 102(a) rejection (Exhibit A "Declaration of Nicholas L. Abbott, Justin J. Skaife, Vinay S. Gupta, Timothy B. Dubrovsky and Rahul Shah") was improper. The Examiner additionally stated that Applicants could provide a declaration that specifically addresses the instant invention to overcome the 35 USC 102(a) rejection, if Applicants believed that they could swear behind the art cited in the rejection. Applicants thank Examiner Lundgren for the opportunity to overcome the final outstanding rejection for this application.

In response, Applicants submit a declaration directed to the instant application signed by Nicholas L. Abbott, Justin J. Skaife, Vinay K. Gupta and Timothy B. Dubrovsky ("Exhibit 1"). The remaining inventor, Rahul Shah, passed away on March 19, 2009, as noted in the attached Declaration ("Exhibit 2"). On March 25, 2009, Applicant's representative, Todd Esker, conducted a teleconference with Examiner Jeffrey Lundgren and notified him of the situation. During the teleconference, Examiner Lundgren stated that a declaration such as that

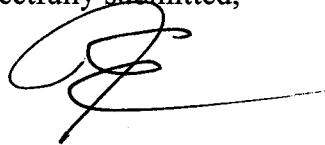
submitted on January 12, 2009, which was directed to the instant invention, and which was signed by at least one of the inventors, would be sufficient to overcome the outstanding rejection over 35 USC § 102(a). Because Exhibit 1 conforms to all of these requirements, Applicants respectfully request its entry, as well as the withdrawal of the outstanding rejection over 35 USC 102(a).

### **CONCLUSION**

As the claims are now in condition for allowance, Applicants respectfully request the issuance of a Notice of Allowance at the Examiner's earliest convenience. Please charge any fees or credit overpayment to Deposit Account No. 50-0310 of the undersigned.

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 442-1000.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'T. Esker', with a long horizontal flourish extending to the right.

Todd W. Esker, Reg. No. 46,690

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